

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33098 of 2007(M)

AGAINST E.P.6/07 IN OS.110/2003 of SUB COURT, KASARAGOD

PETITIONER:

**MRS.MARIYAMMA,W/O. LATE MOHAMMED
SALEEM MANZIL, NEERCHAL CHOWKI, KUDLU VILLAGE
KASARAGOD TALUK & DISTRICT.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS:

**CANARA BANK, BANK ROAD BRANCH
KASARAGOD REPRESENTED BY ITS
SENIOR BRANCH MANAGER, KASARAGOD,
KASARAGOD TALUK & DISTRICT.**

BY S.C. SRI. P. GOPINATH MENON.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07/11/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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Dated this the 7th day of November, 2007.

J U D G M E N T

This writ petition is filed with a prayer to permit the writ petitioner to pay Ext.P1 amount in 20 equal instalments. It is a mortgage decree that is put in execution by the Bank. The steps are completed and it is posted for sale on 13.11.07. Now at this stage the writ petitioner seeks for indulgence. It is averred in the writ petition that it is from the income from the property which is proposed to be sold that the writ petitioner is making her both ends meet. So, in order to enable the writ petitioner to have a breathing time I direct the Court below to defer the sale posted on 13.11.07 by a period of one month on condition that the writ petitioner deposits an amount of Rs.1,00,000/- within three weeks from today. If the amount is not deposited the benefit granted to her shall remain cancelled. I also permit the writ petitioner to move an application with notice to the decree

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holder/Bank so as to enable her to make the payment in some instalments and after hearing the decree holder if the Court is satisfied it can pass appropriate orders.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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